



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1998

Ms. Susan Cory
General Counsel
Texas Workers' Compensation Commission
Southfield Building, MS-4D
4000 South IH-35
Austin, Texas 78704-7491

OR98-3269

Dear Ms. Cory:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121221.

The Texas Workers' Compensation Commission (the "commission") received a request for information relating to a named individual. You seek to withhold a portion of the requested information under sections 552.101, 552.108, and 552.111 of the Government Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 402.092(a) of the Labor Code provides that information maintained in the investigative files of the commission is confidential and may not be disclosed except in four limited circumstances, none of which appear to apply here. Labor Code § 402.092(a).¹ "Investigative file" is defined as "any information compiled or maintained by the commission with respect to a commission investigation authorized by law." *Id.* § 402.092(d).

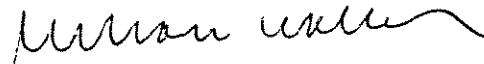
The material you submitted as responsive to the request appears to be investigative material subject to section 402.092. Accordingly, you may withhold it under that section in

¹We note that subsection (c) of section 409.092 provides that information in investigation files which is derived from claim files is subject to the confidentiality provisions governing claim files. You advise, however that none of the information you are seeking to withhold is claim file information.

conjunction with section 552.101 of the Government Code. In view of our resolution of this request under section 552.101 in conjunction with the 402.092 of the Labor Code, we need not address your claims under sections 552.108 and 552.111.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref:: ID# 121221

Enclosures: Submitted documents

cc: Mr. Roger Parsons
7602 North Jupiter Road, Suite 114-414
Garland, Texas 75044-2082
(w/o enclosures)

²It appears from the materials you submitted that the requestor may have already made a written request to the commission for the information at issue here prior to the October 9, 1998, request with regard to which you seek this office's decision. If that is the case, it may be that the commission has not complied with the requirements of Government Code section 552.301 regarding timeliness in seeking the attorney general's decision as to whether requested information may be withheld. We need not address these concerns further here, however, in view of our determination that the information at issue is made confidential by law. See, e.g., Open Records Decision No. 150 (1977) (presumption of openness arising from untimely request for attorney general's decision is overcome by a showing that the information is made confidential by law).